

APPROVED: *February 27, 1989*

ATTEST: *Anita M. Combs*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 04-89

January 23, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland on Monday, January 23, 1989, at 7:40 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

ABSENT

Councilmember David Robbins (travel leave)

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Attorney Paul T. Glasgow and City Clerk Margaret Gearin.

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. The Montgomery County Chapter of the Maryland Municipal League will meet in Annapolis on Thursday, January 26th.
2. Under New Business this evening, a resolution regarding Proposition 42 and potentially discriminating practices with regard to athletes and all post secondary students will be presented for review by the Mayor and Council.
3. The Day Care Task Force has completed its subcommittee reports. Its final report and conclusions will be presented to the Mayor and Council in late spring.

4. A report on how employees are selected to receive the Equal Employment Opportunity Awards will be available to the Mayor and Council next week.

5. The new banners for winter depicting white snowflakes on a blue background have been installed in downtown Rockville.

Re: Recognition for the Julius West Middle School students who, under the leadership of the Student Government Association (SGA) and its sponsor, Mr. Raymond Kent, have won the Golden Can Award for the second consecutive year.

The Golden Can award was presented by Ms. Liz Galligan from Sovran Bank which is a participant in the Food for All Seasons Foundation which recognizes the school in the Washington Metropolitan area that collects the most canned food during the holiday season.

The Mayor and Council recognized all those involved in this worthy effort and presented certificates to the following:

Kelly Dunston
Lauren Mistretta
Ali Tahler
Julie Thirolf
April Snyder
Dawn Sutton
Charley Fuchs
Hillary Browning
Mary Klaar
Jenny Broadhurst

Thu Nguyen
Jeff Baker
Ryan Tozier
Andrea Donvito
Mike Unger
Andrew Smith
Jason Riso
Laura Tierney
Jenny Mistretta

Mr. Raymond Kent SGA Sponsor
Dr. Robert Humbles Principal - 1987-88
Mr. Joseph I. Headman Principal - 1988-89

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Re: Approval of Proclamation for
American History Month in
Rockville.

Proclamation No. 2-89

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 2-89, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. In keeping with the tradition of the National Society Daughters of the American Revolution, the City of Rockville recognizes February, 1989 as a month to observe the importance of American History.

Re: Approval of Minutes

On motion of Councilmember Coyle, duly seconded and unanimously passed, the Minutes of Meeting No. 39-89, October 17, 1988, were approved as written.

Re: Citizens' Forum

Since no citizen wished to address the Mayor and Council at this time, Mayor Duncan declared Citizens' Forum closed.

Re: Approval of waiver for on-site
Storm Water Management for the
property at 2280 Glenmore Terrace
in the Watts Branch drainage
area, and acceptance of \$6,000
contribution for the off-site
SWM fund.

The property owner/developer, John L. duFief, proposes to build a single family home on this large lot. The proposed work will result in 0.15 impervious acres. City staff does not recommend on site methods of SWM for lots used for individual single family home sites because the SWM structures can easily and frequently develop maintenance problems and the SWM structures are usually located so close to the house that there is too great a potential for water damage caused by the installation of the structure.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed,

the Mayor and Council approved a waiver for on-site Storm Water Management for the property at 2280 Glenmore Terrace in the Watts Branch drainage area and acceptance of \$6,000 contribution for the off-site SWM fund.

Re: Approval of waiver for on-site Storm Water Management for the property at 1600-1650 Research Boulevard in the Watts Branch drainage area, and acceptance of \$5,200 contribution for the off-site SWM fund.

The property owners, Tayler Enterprises and Developer Research 28 Associates, propose to add a service drive (connecting an office building and parking lot with an adjacent lot) and to do other minor parking lot modifications. The proposed work will result in 0.13 acres of additional impervious area. The Mayor and Council granted a waiver of an on-site SWM for the original development of this site on April 2, 1979. A waiver is also recommended by staff for the additional impervious area resulting from the parking lot modifications.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved a waiver for on-site Storm Water Management for the property at 1600-1650 Research Boulevard in the Watts Branch drainage area and acceptance of \$5,200 contribution for the off-site SWM fund.

Re: Approval of waiver for on-site Storm Water Management for the property at 902 Gilbert Road in the Rock Creek drainage area, and acceptance of a \$2,400 contribution for the off-site SWM fund.

Owner/developer Roderick Loss plans the construction of a single family home. The proposed house and related improvements will result in 0.06 impervious acres. Our staff does not recommend on-site methods of SWM for lots used in any

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individual single family home sites because the SWM structures easily and frequently develop maintenance problems (because they are so small), and the SWM structures must be located so close to the house or other construction on the property that there is too great a potential for water damage caused by their installation.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved a waiver for on-site Storm Water Management for the property at 902 Gilbert Road in the Rock Creek drainage area and acceptance of a \$2,400 contribution for the off-site SWM fund.

Re: Award of Bid #74-89 in the amount of \$72,400 to the low bidder, Machado Construction Co., for construction of park dumpster enclosures.

This contract provides for dumpster enclosures with gates to be built at eleven park sites. The FY 1989 CIP includes \$89,000 for this project. The dumpster enclosures will be durable, maintenance-free, non-obtrusive units that should satisfy neighborhood complaints about open dumpsters or unsightly, high walled, wooden-type dumpster enclosures.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council awarded Bid #74-89 in the amount of \$72,400 to the low bidder, Machado Construction Co., for construction of park dumpster enclosures.

Re: Presentation of Proposal for Public Art at Broome Athletic Park and Award of Commission.

The proposal is to create a 12' x 12', polished pink granite floor, engraved with the City of Rockville streets, parks, and major highways; major roadways to be in brass with the artwork and landscaping to be located at south entrance to the park.

This is the second attempt to secure a commission for the Broome site. Staff was not able to come to terms on a contract with Robert Adzema, who was awarded the first commission. The Cultural Arts Commission has approached Mr. Steven Weitzman to provide the City with a proposal for this site. Mr. Weitzman presented a demonstration of his proposal at the November 28, 1988 Mayor and Council meeting. At that time, a vote by the Mayor and Council regarding this commission was postponed for further consideration. At the Cultural Arts Commission and the Mayor and Council workshop held on January 3, 1988, review of this proposal resulted in agreement to place this commission award on the Mayor and Council agenda for a final vote.

Artist Name : Steven Weitzman

Cost: \$28,275 (Artist Contract)
 7,500 (landscaping)
 \$35,775

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved the Proposal for Public Art at Broome Athletic Park and awarded of the commission to artist Steven Weitzman.

Re: Award of Bid #53-89 for the purchase of two 10,000 GVWR crew cabs with service bodies from Rockmont Motor, Rockville, for the low bid of \$34,165.88.

This purchase will provide two replacement vehicles for the Public Works Department. Proposals were sent to 42 prospective bidders and nine bids were received. Bids ranged from the low \$34,165.88 to \$37,627.10. These two vehicles with crew cabs and enclosed service bodies will replace two vehicles of a similar weight with crew cabs but with open "pickup" type bodies. Budgeted amount for this purchase was \$38,000.

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Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council awarded Bid #53-89 for the purchase of two 10,000 GVWR crew cabs with service bodies from Rockmont Motor, Rockville, for the low bid of \$34,165.88.

Re: Award of Bid No. 45-89 for the purchase and installation of four hydraulic circuits from Baker Equipment Engineering Company, Richmond, VA for the low bid of \$41,672.

Proposals were sent to 51 prospective bidders and two bids were received. The low bid of \$41,672 and a second bid of \$45,800. The City vehicle replacement fund has sufficient funds for this purchase. This purchase will provide the hydraulic tool circuits for four new utility trucks in the Public Works Department.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 45-89 for the purchase and installation of four hydraulic circuits from Baker Equipment Engineering Company, Richmond, VA for the low bid of \$41,672.

Re: Adoption of Ordinance to amend Section 3-2.07 of the "Laws of Rockville" so as to replace the Personnel Officer with the Director of Finance as the Executive Secretary of the City's Retirement and Disability Board.

Ordinance No. 1-89

The City Manager determined that greater organizational efficiencies can be achieved through realignment of staff support for the Retirement and Disability Board. The transfer of staff support for in-house administration of the Retirement and Disability Board from the Personnel Officer to the Director

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of Finance is recognition that those duties are primarily financial in scope and relate more to the duties, training, and skills required of a financial manager. Thus, the purpose of this amended ordinance is to replace the Personnel Officer with the Director of Finance as Executive Secretary to the Board.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council adopted Ordinance No. 1-89, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, to replace the Personnel Officer with the Director of Finance as the Executive Secretary to the Retirement and Disability Board.

Re: Adoption of Ordinance - Text
Amendment Application T-90-88,
Mayor and Council, Applicant.

Ordinance No. 2-89

This amendment deletes from Zoning Ordinance sales of house plants and cut flowers as uses allowed by temporary permit issued by the Superintendent of Licenses and Inspection, but still allows the sale of garden produce during the months of May through October.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council adopted Ordinance No. 2-89, the full text of which can be found in Ordinance Book No. 14, of the Mayor and Council, deleting from Zoning Ordinance sales of house plants and cut flowers as uses allowed by temporary permits but still allows the sale of garden produce during the months of May through October.

Re: Adoption of Ordinance to grant
Application to Close and Abandon

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Public Way SCA-55-88, Montgomery
County Board of Education,
Applicant.

Ordinance No. 3-89

This ordinance seeks to abandon a segment of Richard Montgomery Drive right-of-way that extends from E. Jefferson Street into Richard Montgomery High School site.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council adopted Ordinance No. 3-89, the full text of which can be found in Ordinance Book No. 14, of the Mayor and Council, to grant Application to Close and Abandon Public Way SCA-55-88.

Re: Briefing for Mayor & Council on
City's Updated Emergency
Management Plan.

Over the past several weeks, staff has updated the Emergency Management Plan in cooperation with Montgomery County. The purpose of this briefing was to bring the Mayor and Council up to date on the City's preparedness plan and to review the role of elected officials in emergency management.

Ms. Kathy Henning of Montgomery County gave a slide presentation of the County's Emergency Operations Plan which is being introduced to the County this week. Captain John Miller, Acting Chief of the Rockville Police, reported that senior staff is drafting an Emergency Management Plan for the City which is parallel to the County's Plan and will be finished next week. The plan will not duplicate the County's services but will build depth in the City of Rockville and will support the County in the agreement the City has with the County. In addition, the Rockville Plan will address the role of the elected officials for Rockville.

Re: FYI/Correspondence

1. Councilmember Hovsepian noted a letter from Ruth Hanessian praising the Public Works Department and Don Douglass for his quick and efficient response to her need for emergency sewer service on Christmas Eve.

Re: New Business

1. RE: Approval of Proclamation to support policies to eliminate any potentially discriminatory practices with particular regard for those students who participate in athletic programs.

Resolution 01A-89

There being no objection from the Council, Mayor Duncan proceeded to issue Resolution 01A-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, in order to express its concern and interest in Proposition 42 to give its support to the elimination of potentially discriminatory practices with respect to all post secondary students and with particular regard for those students who participate in athletic programs. The resolution will be sent to the NAACP, Coach John Thompson of Georgetown University and other interested parties.

2. The Mayor and Council approved sending a letter to the Montgomery County Council supporting the reinstatement of funds in the County budget to modernize Richard Montgomery High School which funds were committed at the time of school boundary changes. Mayor Duncan will also testify before the County Council on Tuesday, January 31 in support of the need to have these funds reinstated.

3. The Mayor and Council requested staff to verify the deadline for testifying before the County in support of lights for the athletic field at Rockville High School. The City is committed to share the cost of these lights

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on a 50/50 matching basis with the school. The staff, however, will also investigate whether the City's past contributions for lights at other City high schools will be covered by the County's proposed equity policy in funding lights for county high schools.

4. Mayor Duncan noted that January 20th was the deadline for approval of the Community Development Block Grant Fund and asked the City Manager to prepare the CDBG documents for approval at the next Work Session of the Mayor and Council.

Re: Executive Session

On motion of Councilmember Coyle, the meeting was closed at 9:00 p.m. for Executive Session to discuss property matters with counsel in the City Manager's Conference Room, Rockville City Hall, Rockville, Maryland.

Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:30 p.m. to convene again in Work Session on Monday, January 30, 1989 at 7:30 p.m. or at the call of the Mayor.